

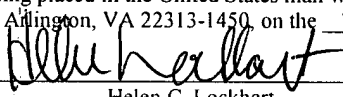
AF/1635
ATTORNEY DOCKET NO. C1039.70042US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Krieg et al.
Serial No.: 09/630,319
Confirmation No.: 5464
Filed: July 31, 2000
For: METHODS FOR TREATING AND PREVENTING INFECTIOUS
DISEASE
Examiner: Jane J. Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 8 day of January, 2004.


Helen C. Lockhart

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

TRANSMITTAL

Sir:


Transmitted herewith are the following documents:

- [X] Supplemental Information Disclosure Statement;
- [X] PTO Form 1449 (copies of references cited);
- [X] Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If a fee is due, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,


Helen C. Lockhart, Reg. No. 39,248
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Docket No. C1039.70042US00
Date: January 8, 2004
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DOCKET NO: C1039.70042US00

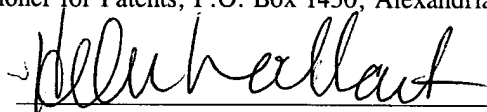
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Helen C. Lockhart, Ph.D., Reg. No. 39,248

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70021US01	10/719,493	11/21/03	Krieg et al.
C1039.70073US00	TBD	12/22/03	Krieg et al.
C1039.70083US00	10/690,495	10/21/03	Krieg
C1039.70084US00	10/649,584	8/25/03	Krieg et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

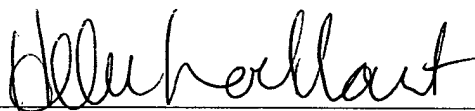
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

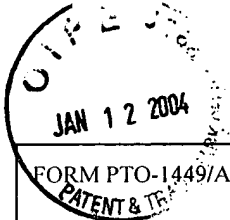
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg et al., *Applicant*

By: 
Helen C. Lockhart, Ph.D., Reg. No. 39,248
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Docket No. C1039.70042US00
Date: January 8, 2004
XNDDX



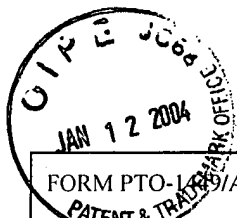
FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/630,319		ATTY. DOCKET NO.: C1039.70042US00			
				FILING DATE: July 31, 2000		CONFIRMATION NO.: 5464			
				APPLICANT: Arthur M. Krieg et al.					
				GROUP ART UNIT: 1635		EXAMINER: Jane J. Zara			
Sheet	1	of	3						

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	6,225,292	B1	Raz et al.	05/1/2001
	A2	6,498,148	B1	Raz	12/24/2002
	A3	6,514,948	B1	Raz et al.	02/04/2003
	A4	6,534,062	B2	Raz et al.	03/18/2003
	A5	6,552,006	B2	Raz et al.	04/22/2003
	A6	6,562,798	B1	Schwartz	05/13/2003
	A7	6,589,940	B1	Raz et al.	07/08/2003
	A8	6,610,661	B1	Carson et al.	08/26/2003
	A9	6,653,292	B1	Krieg et al.	11/25/2003
	A10	US 2002/0028784	A1	Nest	03/07/2002
	A11	US 2002/0055477	A1	Nest et al.	05/09/2002
	A12	US 2002/0098199	A1	Van Nest et al.	07/25/2002
	A13	US 2002/0107212	A1	Van Nest et al.	08/08/2002
	A14	US 2002/0142978	A1	Raz et al.	10/03/2002
	A15	US 2003/0026782	A1	Krieg et al.	02/06/2003
	A16	US 2003/0049266	A1	Fearon et al.	03/13/2003
	A17	US 2003/0078223	A1	Raz et al.	04/24/2003
	A18	US 2003/0092663	A1	Raz	05/15/2003
	A19	US 2003/0109469	A1	Carson et al.	06/12/2003
	A20	US 2003/0119773	A1	Raz et al.	06/26/2003
	A21	US 2003/0129251	A1	Van Nest et al.	07/10/2003
	A22	US 2003/0133988	A1	Fearon et al.	07/17/2003
	A23	US 2003/0143213	A1	Raz et al.	07/31/2003
	A24	US 2003/0147870	A1	Raz et al.	08/07/2003
	A25	US 2003/0175731	A1	Fearon et al.	09/18/2003
	A26	US 2003/0186921	A1	Carson et al.	10/02/2003
	A27	US 2003/0199466	A1	Fearon et al.	10/23/2003
	A28	US 2003/0212028	A1	Raz et al.	11/13/2003
	A29	US 2003/0216340	A1	Van Nest et al.	11/20/2003

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	WO	98/16247	A1	Regents of University of CA	04/23/1998	
	B2	WO	98/55495	A2	Dynavax Technologies Corp.	12/10/1998	
	B3	WO	99/11275	A2	Regents of University of CA	03/11/1999	



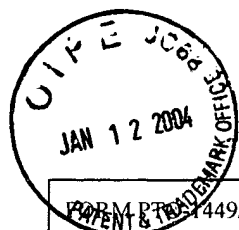
FORM PTO-1019/A and B (Modified)				APPLICATION NO.: 09/630,319		ATTY. DOCKET NO.: C1039.70042US00			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: July 31, 2000		CONFIRMATION NO.: 5464			
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				GROUP ART UNIT: 1635		EXAMINER: Jane J. Zara			
Sheet	2	of	3						

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
	B4	WO	99/62923	A2	Dynavax Technologies Corp.	12/09/1999	
	B5	WO	00/20039	A1	Regents of University of CA	04/13/2000	
	B6	WO	00/62787	A1	Regents of University of CA	10/26/2000	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	Anderson, G., et al. "TH2 and 'TH2-like' cells in allergy and asthma; pharmacological perspectives", <i>TiPS</i> , 15:324-332, (1994)	
	C2	Elkins, K. L., Rhinehart-Jones, T. R., et al., "Bacterial DNA containing CpG motifs stimulates lymphocyte-dependent protection of mice against lethal infection with intracellular bacteria." <i>J Immunol</i> 162:2291-2298, 1999.	
	C3	Freidag, B. L et al., "CpG oligodeoxynucleotides and interleukin-12 improve the efficacy of Mycobacterium bovis BCG vaccination in mice challenged with M. tuberculosis.: <i>Infect Immun</i> 68:2948-2953, 2000.	
	C4	Gao, W.-Y et al., "Phosphorothioate oligonucleotides are inhibitors of human DNA polymerases and Rnase H: Implications for antisense technology. <i>Mol. Pharmacol.</i> (1992), 41, 223-229.	
	C5	Gramzinski, R. A. et al., "IL12- and IFN-g-dependent protection of mice against malaria conferred by CpG DNA." <i>Mol Med In press</i> :2000.	
	C6	Hayashi, T. et al., "Enhancement of innate immunity against Mycobacterium avium infection by immunostimulatory DNA is mediated by indoleamine 2,3-dioxygenase." <i>Infect Immun</i> 69:6156-6164, 2001.	
	C7	Horspool, J.H. et al., "Nucleic acid vaccine-induced immune response require CD28 costimulation and are regulated by CTLA4. (1998) <i>J. Immunol.</i> 160, 2706-2714.	
	C8	Jones, TR et al., "Synthetic oligonucleotides containing CpG motifs enhance immunogenicity of a peptide malaria vaccine in Aotus monkeys." <i>Vaccine</i> (1999) 17, 3065-3071.	
	C9	Juffermans, N. P. et al., "CpG oligodeoxynucleotides enhance host defense during murine tuberculosis." <i>Infect Immun</i> 70:147-152, 2002.	
	C10	Katoka, T. et al., "Antitumor Activity of Synthetic Oligonucleotides with Sequences from cDNA Encoding Proteins of Mycobacterium bovis BCG," <i>JPN. J. Cancer Res.</i> (1992) 83:244	
	C11	Kawano, K., et al., "Analysis and Regulation of interferon-gamma production by peripheral blood lymphocytes from patients with bronchial asthma", ABSTRACT, <i>Arerugi</i> , 43:3:482-91, (1994)	
	C12	Klinman, D. M. et al., "Repeated administration of synthetic oligodeoxynucleotides expressing CpG motifs provides long-term protection against bacterial infection." <i>Infect Immun</i> 67:5658-5663, 1999	
	C13	Klinman, D. M., et al "Immune recognition of foreign DNA: a cure for bioterrorism?" <i>Immunity</i> (1999) 11:123	
	C14	Klinman, D. M., et al. "Activation of the innate immune system by CpG oligodeoxynucleotides: immunoprotective activity and safety." <i>Springer Semin Immunopathol</i> 22:173-183, 2000	
	C15	Krieg, A. M., et al., "CpG DNA induces sustained IL-12 expression <i>in vivo</i> and resistance to <i>Listeria monocytogenes</i> challenge." <i>J Immunol</i> 161:2428-2434, 1998.	



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Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C15	Lipford, G. B. et al. "Immunostimulatory DNA: sequence-dependent production of potentially harmful or useful cytokines." <i>Eur J Immunol</i> 27:3420-3426, 1997.	
	C16	Manzel L and Macfarlane DE, Lack of Immune Stimulation by Immobilized CpG-oligonucleotide. <i>Antisense & Nucleic Acid Drug Development</i> , (1999) 459-464.	
	C17	Ricci, M., et al., "T cells, cytokines, IgE and allergic airways inflammation", <i>J invest Allergol Clin Immunol</i> , 4:5;214-220, (1994)	
	C18	Sedegah, M.et al. "Interleukin 12 induction of interferon g-dependent protection against malaria." <i>Proc Natl Acad Sci U S A</i> 91:10700-10702, 1994.	
	C19	Sethi, S. et al. "Postexposure prophylaxis against prion disease with a stimulator of innate immunity." <i>Lancet</i> 360:229-230, 2002.	
	C20	Spiegelberg, H., et al., "Recognition of T Cell Epitopes and Lymphokine Secretion by Rye Grass Allergen Lolium perenne I-Specific Human T Cell Clones", <i>J of Immunology</i> , 4706-4711, (1994)	
	C21	Stacey, K. J et al. "Immunostimulatory DNA as an adjuvant in vaccination against Leishmania major." <i>Infect Immun</i> 67:3719-3726, 1999.	
	C22	Walker, C., et al., "Activated T Cells and Cytokines in Bronchoalveolar Lavages from Patients with Various Lung Diseases Associated with Eosinophilia", <i>Am J Respir Crit Care Med</i> , 150:1038-1048, (1994)	
	C23	Walker, P. S. et al. "Immunostimulatory oligodeoxynucleotides promote protective immunity and provide systemic therapy for leishmaniasis via IL-12- and IFN-g-dependent mechanisms." <i>Proc Natl Acad Sci U S A</i> 96:6970-6975, 1999.	
	C24	Woolridge, JE et al., Immunostimulatory oligodeoxynucleotides containing CpG motifs enhance the efficacy of monoclonal antibody therapy of lymphoma. <i>Blood</i> , (1997)89:2994-2998.	
	C25	Zelphati, O.et al., Inhibition of HIV-I Replication in Cultured Cells with Antisense Oligonucleotides Encapsulated in Immunoliposomes, <i>Antisense Research and Development</i> (1993) 3:323.	
	C26	Zimmermann, S. et al., "CpG oligodeoxynucleotides trigger protective and curative Th1 responses in lethal murine leishmaniasis." <i>J Immunol</i> 160:3627-3630, 1998.	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]